

**FCC Notice of Proposed Rulemaking (NPRM)**  
**CG Docket No. 02-278**

Regarding proposed changes to the TCPA and TSR, here are our comments.

**1 Creation of a National Do Not Call List**

Creation of a national do not call list is unnecessary. It would cause duplication of effort and would burden the small business telemarketing industry with unnecessary costs. It would aggravate an already difficult task of complying with the federal telemarketing laws and the vast number of permutations in the state laws. Creation of yet another no call list would confuse consumers as well and pose a dilemma for them: "which list is the most official one; and must I register for all of them in order to stop all unwanted calls?" The Direct Marketing Association (DMA) has operated a national no call list for many years. At least five states that have implemented no call lists have mandated that the DMA list be used rather than incur the costs of implementing and managing their own home-grown list. It makes sense to follow those states as a precedent, and to adopt the DMA's list rather than spending taxpayer money foolishly. A number of states charge their residents for placing their names on the states' no call lists. The costs average between \$2.50 and \$5.00 for varying time periods of three to five years. Registration for the DMA's list is free.

In 2001, Missouri implemented their no call register at an annual price of \$100 to telemarketers. In 2002 the price increased by \$500 to a total of \$600. They found that the actual costs of managing the program were far greater than anticipated. The proposed federal list is the most costly of any list. Could its proposed cost of \$3,000 skyrocket by six times, as did the Missouri list, to \$18,000?

Below are the projected annual out-of-pocket costs to our company for administering state and national no call lists in 2003.

Cost of state lists	= \$203,000
Cost of national list	= 3,000
Total	= \$203,000

There are 1,727 telemarketing firms that qualify as small businesses. Applying the above costs to them, the cost of no call list management translates to over \$350 Million in additional costs that would be passed on to consumers. In some cases this additional cost could force smaller firms out of existence.

Regarding consumer confusion, the inception of a national no call list would create a fourth level of no call lists: 1) company specific, 2) state run lists, 3) DMA list, 4) national list. Company lists guarantee consumers freedom of choice to receive calls from certain companies and prevent calls from others, while state and national lists prevent calls from all companies. State and national lists are interventions that deny consumers their freedom of choice.

## **2 Length of Time To Honor No Call List Requests**

Ten years is too long of a period of time to honor no call requests. Twenty percent of telephone numbers change owners every year. Prohibiting the calling of a telephone number for ten years will deny companies the opportunity of offering valuable and useful products and services to potentially receptive prospects, thereby denying them freedom of choice.